



Attorney's Docket No.: 81862P248

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:

Madhu Rao et al.

Application No.: 09/921,936

Filed: August 2, 2001

Art unit: 2142

Examiner: Lin, Kelvin Y.

For: NEIGHBOR DISCOVERY USING  
ADDRESS REGISTRATION  
PROTOCOL OVER ELMI

Confirmation No.: 8366

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on February 10, 2006  
Date of Deposit

Sarah M. Montgomery  
Name of Person Mailing Correspondence

[Signature] 2/10/06  
Signature Date

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.181  
FOR WITHDRAWAL OF PREMATURE FINAL REJECTION  
AND RECOGNITION OF SEASONABLE PRESENTATION OF  
DECLARATION UNDER 37 C.F.R. § 1.131

Dear Sir:

In response to the Advisory Action mailed December 20, 2005, Applicant respectfully submits a petition to review the following outstanding issues:

1. Examiner's refusal to withdraw the premature final rejection of the Office Action mailed June 10, 2005.
2. Examiner's refusal to enter a timely filed declaration under 37 C.F.R. § 1.131.

**Applicant's Remarks** begin on page 2.

**Exhibit A** includes a copy of the Office Action mailed June 10, 2005.

**Exhibit B** includes a copy of Applicant's response mailed November 28, 2005.

**Exhibit C** includes a copy of the Declaration under 37 C.F.R. § 1.131.

**Exhibit D** includes a copy of the Advisory Action mailed December 20, 2005.

## REMARKS

By way of background, the following table summarizes the communications between the Examiner and the Applicant in regard to prosecution of the present application.

DATE	ACTION	DESCRIPTION
Nov. 8, 2004	Non-Final Office Action	First rejection based on 35 U.S.C. § 102(e)
Feb. 22, 2005	Applicant's Response	Remarks: Reference is <u>not</u> prior art under §102(e) No amendments
Jun. 10, 2005	Final Office Action	First rejection based on 35 U.S.C. § 102(a) States "Application's amendment necessitated the new ground(s) of rejection presented in this Office action, Accordingly, <b>THIS ACTION IS MADE FINAL.</b> "
Nov. 28, 2005	Applicant's Response Notice of Appeal	Remarks: Finality is <u>premature</u> Declaration submitted to antedate reference No amendments
Dec. 20, 2005	Advisory Action	No response to prematurity of final rejection States "The declaration was not seasonably presented" Indicates proposed amendment(s) will not be entered (although no amendments)

Of particular interest in the present petition, Applicant notes that the application has never been amended. Also, Applicant notes that the rejection of the Office Action mailed February 22, 2005, was based on 35 U.S.C. § 102(e), but the subsequent rejection of the Office Action mailed June 10, 2005, was based on 35 U.S.C. § 102(a). Therefore, the second rejection was a new rejection issued at the discretion of the Examiner because the first rejection under § 102(e) was improper, and the second rejection was not necessitated by any amendments or other actions by the Applicant.

## **I. PREMATURE FINAL REJECTION**

The designation of the Office Action mailed June 10, 2005, as final is premature. The M.P.E.P. clearly establishes that a rejection on a second or subsequent action on the merits cannot be final “where the examiner introduces a new ground of rejection that is neither necessitated by applicant’s amendment of the claims nor based on information submitted in an information disclosure statement. . . .” M.P.E.P. § 706.07(a) (emphasis added). Here, the final rejection is premature because the Examiner introduced a new ground of rejection that was not necessitated by an amendment or information disclosure statement. Additionally, the issue of finality of the Office Action mailed June 10, 2005, is outstanding because the Examiner failed to answer the Applicant’s argument that the final rejection is premature

### **A. NEW GROUND OF REJECTION**

The Examiner’s rejection issued on June 10, 2005, constitutes a new ground of rejection because the statutory basis for the rejection was different from the previous rejection. Although there appears to be no rule or case law directly on point, the question of whether using the same reference for rejections under different code sections is a new ground of rejection was raised in In re Recreative Techs. Corp., 83 F.3d 1394, 1398-99 (Fed. Cir. 1996), but the case was decided on other grounds. Nevertheless, other analogous cases indicate that a subsequent rejection which differs even slightly from a former rejection should be designated as a new ground of rejection. For example, the Federal Circuit recognized a new ground of rejection where different references were used to support a rejection under a single code subsection. In re Morris, 127 F.3d 1048, 1052 (Fed. Cir. 1997) (a rejection under 35 U.S.C. § 102(b)). The Federal Circuit also recognized a new ground of rejection where different combinations of references were used. In re McDaniel, 293 F.3d 1379, 1384-85 (Fed. Cir. 2002) (a rejection under 35 U.S.C. § 103). The Federal Circuit also recognized a new ground of rejection where the subsequent rejection was based on a different code section. In re Dossel, 115 F.3d 945, 944 (Fed. Cir. 1997) (the first rejections were based on §§ 101 and 102(b), but the subsequent rejection was based on § 112, second paragraph). The Federal Circuit also recognized a new ground of rejection where both rejections were based on a single code section, but with different reasoning. In re Curtis, 354 F.3d 1347, 1350 (Fed. Cir. 2004) (rejection under 35 U.S.C. § 112, first paragraph, for lack of enablement followed by a new ground of rejection for insufficient written description). In a

nonprecedential decision, the Federal Circuit also recognized a new ground of rejection where a subsequent rejection was based on fewer than all of the previously cited references in a combination. In re Jochenning, 1994 U.S. App. LEXIS 18048, 3-4 (Fed. Cir. 1994) (rejection under 35 U.S.C. § 103 based on one of two references for a combination relied on for earlier rejection). Most of these cases treat the issue of new grounds of rejection in the context of judicial review of decisions from the Board of Patent Appeals and Interferences, and similar reasoning should apply in the prosecution of the present application.

In the present case, the Examiner issued a first rejection under 35 U.S.C. § 102(e) based on Cisco Publication: Frame Relay ELMI Address Registration, posted on December 6, 2000, at <http://www.cisco.com/univercd/cc/td/doc/product/software/ios121/121newft/121t/121t3/tfipar.htm> (hereinafter “Cisco Document”). As Applicant explained in response to that action, the Cisco Document is not a patent or published application and, therefore, does not qualify as a prior art reference under § 102(e). The Examiner agreed and subsequently, in the Office Action mailed June 10, 2005, issued a new rejection under 35 U.S.C. § 102(a) based on the Cisco Document. The new rejection was based on § 102(a) instead of § 102(e). Given that each of these subsections provides a different statutory basis, each subsection serves as a separate ground for rejection. Moreover, the Examiner acknowledged that a new ground of rejection was issued in the Office Action mailed June 10, 2005, which states, “Application’s amendment necessitated the new ground(s) of rejection presented in this Office action.” Office Action, June 10, 2005, p. 8 (emphasis added). Accordingly, the Examiner’s issuance of the subsequent rejection under § 102(e) is a new ground of rejection.

The Examiner purported that the finality of the Office Action was proper because the Application included amendments that necessitated a new ground of rejection. However, the Application was not amended so the new ground was not necessitated by any amendments to the claims. In fact, the claims of the present application have not been amended during prosecution and, in particular, were not amended in Applicant’s response mailed February 22, 2005. Thus, it is inaccurate for the Examiner to state that the new rejection was necessitated by an amendment because the application was never amended. The Examiner failed to assert any other reason for the new ground of rejection. Moreover, there were no other reasons that would necessitate making the rejection final because Applicant did not submit an information disclosure statement.

## B. OUTSTANDING ISSUE OF FINALITY

Additionally, the Examiner failed to answer Applicant's traversal of the finality of the Office Action mailed June 10, 2005. The Examiner is required take note of Applicant's traversal argument and answer the substance of it. M.P.E.P. § 707.07(f). In response to the Office Action mailed June 10, 2005, Applicant respectfully requested that the finality be removed for the reasons presented in Applicant's response mailed February 22, 2005, as described above. However, the Examiner proceeded to issue the Advisory Action mailed December 20, 2005, which failed to respond to Applicant's request to withdraw the premature finality of the rejection. Therefore, the issue of finality of the Office Action mailed June 10, 2005, is outstanding because the Examiner failed to answer the Applicant's argument that the final rejection is premature.

Given that the Office Action mailed June 10, 2005, issued a new ground of rejection and the new ground of rejection was not necessitated by any amendments or other actions by Applicant, the finality of the Office Action mailed June 10, 2005, is premature. Accordingly, **Applicant respectfully requests that the finality of the Office Action mailed June 10, 2005, be withdrawn.**

## II. SEASONABLE PRESENTATION OF DECLARATION

The declaration under 37 C.F.R. § 1.131 was seasonably presented because it was presented within the timeframe established by M.P.E.P. § 715.09. A declaration submitted under 37 C.F.R. § 1.131 is considered timely if submitted 1) prior to a final rejection, or 2) after a final rejection, but before or on the same date of filing an appeal, upon a showing of good and sufficient reasons why the declaration was not earlier presented. M.P.E.P. § 715.09.

### DECLARATION AND NOTICE OF APPEAL FILED ON SAME DATE

Applicant submitted the declaration within the timeframe established in M.P.E.P. § 715.09(C), which states that the declaration may be seasonably presented if filed after the final rejection, but before or on the same date of filing an appeal. Applicant submitted the declaration with Applicant's response mailed November 28, 2005. The Notice of Appeal was also filed on November 28, 2005. Therefore, the declaration was filed on the same date of filing an appeal, according to the requirement of M.P.E.P. § 715.09(C).

## SHOWING OF GOOD AND SUFFICIENT REASONS

Applicant provided a showing of good and sufficient reasons why the declaration was not presented prior to the final rejection because Applicant's response mailed November 28, 2005, indicated that the finality of the Office Action mailed June 10, 2005, was premature. Here, the Office Action mailed November 8, 2004, improperly rejected the claims of the present application under 35 U.S.C. § 102(e) based on the Cisco Document. As Applicant explained in response to that action, the Cisco Document is not a patent or published application and, therefore, does not qualify as a prior art reference under § 102(e). The Examiner agreed and subsequently, in the Office Action mailed June 10, 2005, issued a new rejection under 35 U.S.C. § 102(a) based on the Cisco Document. Although the Examiner stated that the new rejection was based on amendments to the application, the Application was not amended. Therefore, the new rejection should not have been made final because it was not necessitated by Applicant's amendments, as explained above.

It is noted that Applicant's reply mailed February 22, 2005, was fully responsive. In order to be fully responsive, the "reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action." 37 C.F.R. § 1.111(b). Here, Applicant's written response mailed February 22, 2005, specifically pointed out that the rejection under § 102(e) was improper. Since the rejection under § 102(e) was the only ground of rejection, Applicant responded to every ground of rejection in the Office Action. Therefore, Applicant's notification to the Examiner that the rejection under § 102(e) was an improper rejection was fully responsive, and issuance of the improper rejection did not obligate Applicant to provide additional comments, declarations, or responses in excess of what is required under 37 C.F.R. § 1.111(b).

It is submitted that Applicant has no duty to present evidence or reasons for patentability pertaining to code sections other than those that are part of a proper office action rejection. Here, Applicant had no duty to present a declaration in support of the patentability of the claimed invention under § 102(a) where the issued office action rejection was under § 102(e) and Applicant replied to the rejection.

Although Applicant filed the declaration in response to the subsequent rejection under § 102(a) mailed June 10, 2005, Applicant's time to file the declaration in response to the subsequent rejection was cut short by the improper prematureness of the rejection. Given that the rejection under § 102(e) was improper, Applicant relied on standard procedure and expected that any subsequent, new ground of rejection would not be made final. In fact, if the Office Action mailed June 10, 2005, had not been improperly made final, the declaration filed would unquestionably have been seasonably presented prior to a proper final rejection under M.P.E.P. § 715.09(A). Nevertheless, Applicant seasonably presented the declaration under M.P.E.P. § 715.09(C) because Applicant filed the declaration on the same date of filing the Notice of Appeal, in connection with Applicant's request to withdraw the finality of the rejection, which satisfied the requirement for a showing of good and sufficient reasons why the declaration was not presented prior to the final rejection.

Given that Applicant filed the declaration in response to the first occurrence of a new ground of rejection which was improperly made final, and Applicant provided an explanation of why the finality of the rejection was premature, the declaration was seasonably presented under M.P.E.P. § 715.09(C). Accordingly, **Applicant respectfully requests that the declaration be recognized as seasonably presented.**

### CONCLUSION

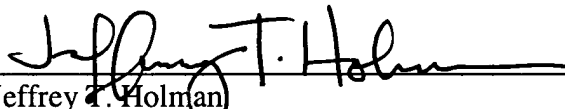
For the reasons stated above, the finality of the Office Action mailed June 10, 2005, should be withdrawn and the declaration mailed November 28, 2005, should be recognized as seasonably presented. Consequently, Appellant respectfully requests that the rejection of claims 1-81 under 35 U.S.C. § 102(a) as being anticipated by the Cisco Document should be withdrawn.

Applicant understands this petition to be timely filed within two months of the mailing date of the action from which relief is requested, as required under 37 C.F.R. § 1.181(f) and M.P.E.P. § 1002. Specifically, this petition is filed within two months of the mailing date of the Advisory Action mailed December 20, 2005. If there are any additional charges or refunds, please charge or refund them to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 2/10/06

  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

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81862.P248  
Cisco Technology

LJV

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,936	08/02/2001	Madhu Rao	81862P248	8366

7590

06/10/2005

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EXAMINER

LIN, KELVIN Y

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 06/10/2005

RECEIVED

JUN 13 2005

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
LOS ANGELES

Please find below and/or attached an Office communication concerning this application or proceeding.

Date 9/10/2005 Client: Cisco Technology, Inc.

Docket Initials JVP 81862.P248

Dock. Sup. Initials \_\_\_\_\_

Atty Initials \_\_\_\_\_ LJV DEO

Pat/Ser/Reg 921936

Description:

3 x

Response due final OA and possible appeal

6/13/2005

John Pliskaner

422103

Date 8/10/2005 Client: Cisco Technology, Inc.

Docket Initials JVP 81862.P248

Dock. Sup. Initials \_\_\_\_\_

Atty Initials \_\_\_\_\_ LJV DEO

Pat/Ser/Reg 921936

Description:

4

Two months since final oa was mailed

6/13/2005

John Pliskaner

422104

Date 9/10/2005 Client: Cisco Technology, Inc.

Docket Initials JVP 81862.P248

Dock. Sup. Initials \_\_\_\_\_

Atty Initials \_\_\_\_\_ LJV DEO

Pat/Ser/Reg 921936

Description:

155 x

If advisory action or notice of allowance not received by today, review file for possible filing of continuation application.

6/13/2005

John Pliskaner

422105

Date 9/3/2005 Client: Cisco Technology, Inc.

Docket Initials JVP 81862.P248

Dock. Sup. Initials \_\_\_\_\_

Atty Initials \_\_\_\_\_ LJV DEO

Pat/Ser/Reg 921936

Description:

156

Reminder, review file for possible filing of continuation application if advisory action or notice of allowance not received by 9/10/2005.

6/13/2005

John Pliskaner

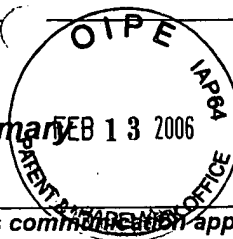
422106

STATUS REPORT

Cisco  
PTO-900 (Rev. 10/03)

## Office Action Summary

FEB 13 2006



Application No.

09/921,936

Applicant(s)

RAO ET AL.

Examiner

Kelvin Lin

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-81 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

PS

## Detailed Action

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this Section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-81 are rejected under 35 USC 102(a) as being anticipated by Cisco Document (Cisco Publication: Frame Relay ELMF Address Registration, Posted On Dec. 6, 2000:

<http://www.cisco.com/univercd/cc/td/doc/product/software/ios121/121newft/121t/121t3/tf/ripar.htm> ).

3. Regarding claim 1, Cisco teaches a system, comprising:

- a local area network management system to manage and configure a network of routers (Cisco, Sec. of Feature Overview "... the NMS can detect switch and router ...");
- a wide area network management system to manage and configure a network of switches (Cisco, Sec. of Feature Overview "... the NMS can detect switch and router ..."); and
- address registration information to be appended to a message sent between a first router of the network of routers and a first switch of

the network of switches over a connection between the first router and the first switch (Cisco, Fig. 1, shows a typical network in which ELMI address registration is in use).

4. Regarding claim 2, Cisco further discloses the system of claim 1, wherein the address registration information comprises an interface index (Cisco, Sec. of Feature Overview, "... The NMS uses the MIB to extract the IP address and ifIndex of devices neighboring the managed device ...").
5. Regarding claim 3, Cisco further discloses the system of claim 2, wherein the interface index comprises a slot number from which the appended message was sent (Cisco, Sec. of Prerequisites, "ELMI must be enabled on the Cisco router and Cisco switch, which configures the slot number in the interface index. ").
6. Regarding claim 4, Cisco further discloses the system of claim 2, wherein the interface index comprises a port number from which the appended message was sent (Cisco, Sec. of Prerequisites, "ELMI must be enabled on the Cisco router and Cisco switch, which configures the port number in the interface index. ").
7. Regarding claim 5, Cisco further discloses the system of claim 1, wherein the address registration information comprises an Internet Protocol address (Cisco, Sec. of Feature Overview, "The Cisco Frame Relay MIB has been enhanced to support the new ELMI information. The NMS uses the MIB to extract the IP address and ifIndex of devices neighboring the managed. ").
8. Regarding claim 6, Cisco further discloses the system of claim 1, wherein the address registration information comprises spare bytes. (Cisco, Sec. of

Configuration Task, "... the following Sections for configuration tasks for the Frame Relay ELMI Address Registration feature. Each task in the list is identified as optional or required - which means the optional field can be used as a spare byte. ").

9. Regarding claim 7, Cisco further discloses the system of claim 1, wherein the router sends the appended message (Cisco, Sec. of Usage Guidelines, "...the first line describes the LMI request that the router has sent to ..." & "... you can use this command to determine whether the router and the (Frame Relay switch) are sending and receiving LMI packets properly...").
10. Regarding claim 8, Cisco further discloses the system of claim 1, wherein the switch sends the appended message (Cisco, Sec. of Usage Guidelines, "...the Second line describes the LMI reply that the router has received from the switch ..." and "...you can use this command to determine whether (the router) and the Frame Relay switch are sending and receiving LMI packets properly..").
11. Regarding claim 9, Cisco further discloses the system of claim 1, wherein the appended message is an enhanced local management interface message (Cisco, Sec. of Future Review, "...the Second line describes the LMI reply that the router has received from the switch ...").
12. Regarding claim 10, Cisco further discloses the system of claim 1, wherein the appended message is sent when the network of switches and the network of routers are first configured (Cisco, Fig. 1, "...the first switch and router are first configured, and also according to sec. of prerequisites, ELMI must be enabled on

the Cisco router and the Cisco switch”).

13. Regarding claim 11, Cisco further discloses the system of claim 1, wherein the appended message is sent when the network of switches or the network of routers has a change in configuration (Cisco, Sec. of Future Overview, “...When the management IP address of the switch changes, an asynchronous ELMI version status message is sent to the neighboring device immediately..”).
14. Regarding claim 12, Cisco further discloses the system of claim 1, wherein the appended message is sent at a regular interval (Cisco, Sec. of Future Overview, “...the NMS ‘polls’ the devices to collect this connectivity information..”).
15. Regarding claim 13, Cisco further discloses the system of claim 1, wherein the local area network management system uses the address registration information to map the network of switches (Cisco, Sec. of Feature Overview, “With the Frame Relay ELMI Address Registration feature, the NMS can detect switch and router interconnection and create an end-to-end network topology map for network administrators”, Table 2, “...yourseen counter maps to the LAST RCVD SEQ counter of the switch..”).
16. Regarding claim 14, Cisco further discloses the system of claim 1, wherein the local area network management system configures the network of switches (Cisco, sec. of Prerequisites “ ELMI must be enabled (configured) on the Cisco switch”).
17. Regarding claim 15, Cisco further discloses the system of claim 1, wherein the wide area network management system uses the address registration information

to map the network of routers (Cisco, Sec. of Feature Overview, "With the Frame Relay ELMI Address Registration feature, the NMS can detect switch and router interconnection and create an end-to-end network topology map for network administrators") .

18. Regarding claim 16, Cisco further discloses the system of claim 15, wherein the wide area network management system configures the network of routers (Cisco, Sec. of Configuring the IP Address to Be Used for ELMI Address Registration Configuration, "... because no other IP address was configured, the router will share an IP address of 0.0.0.0 and a valid ifIndex.. ").
19. Regarding claims 17-32, have similar limitations as claims 1-16, which also Involved in the switches, routers in the system that makes the interconnectivity including the LAN and WAN. Therefore, claims 17-32 are rejected under Cisco for the same reasons set forth in the rejection of claims 1-16.
20. Regarding claims 33-48, have similar limitations as claims 1-16, which are also Embedded the instruction codes (e.g. CLI) in the switches, and routers. Therefore, claims 33-48 are rejected under Cisco for the same reasons set forth in the rejection of claims 1-16.
21. Regarding claims 49-64, the means function that have WAN. LAN, NMS, CLI EMLI, UFM, and appended messages have similar limitations as claims 1-16, Therefore, claims 49-64 are rejected under Cisco for the same reasons set forth in the rejection of claims 1-16.

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22. Regarding claims 65-80, the devices of router, and switch that send appended message from router or switch, have similar limitations as claims 1-16, Therefore, claims 65-80 are rejected under Cisco for the same reasons set forth in the rejection of claims 1-16.

23. Regarding claim 81, Cisco further discloses a method, comprising:

- appending address registration information to a message (Cisco, Sec. of Configuration Examples, "Configuration the IP address to be used for ELMI address registration configuration - The following example shows how to configure the IP address to be used for ELMI address registration. Automatic IP address selection is automatically disabled when the IP address is configured. ELMI is enabled on serial interface 0.");
- sending the message between a router of a router network and a switch of a switch network (Cisco, fig. 1);
- using the address registration information to map the router network from a wide area network management system controlling the switch network (Cisco, Sec. of Feature Overview, "With the Frame Relay ELMI Address Registration feature, the NMS can detect switch and router interconnection and create an end-to-end network topology "**map**" for network administrators");
- configuring the router network using the wide area network management system (Cisco, sec. of Benefits, " ...using the ELMI



protocol and an enhanced MIB, an NMS can now detect connectivity among the “**switches**” and routers in a network. This new functionality allows for autodetection of the complete network topology.”);

- using the address registration information to map the switch network from a local configuring the switch network using the local area network management system .(Cisco, sec. of Benefits, “...using the ELMI protocol and an enhanced MIB, an NMS can now detect connectivity among the switches and “**routers**” in a network. This new functionality allows for autodetection of the complete network topology.”);

### ***Conclusion***

Application's amendment necessitated the new ground(s) of rejection presented in this Office action, Accordingly, **THIS ACTION IS MADE FINAL**. See MEPE 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first replay is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTH from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898. The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, , Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KYL  
6/06/05

  
KAMINI SHAH  
PRIMARY EXAMINER

**Notice of References Cited**

Application/Control No.

09/921,936

Applicant(s)/Patent Under  
Reexamination  
RAO ET AL.

Examiner

Kelvin Lin

Art Unit

2142

Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,597,689	07-2003	Chiu et al.	370/354
	B	US-6,678,474	01-2004	Masuda et al.	398/75
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

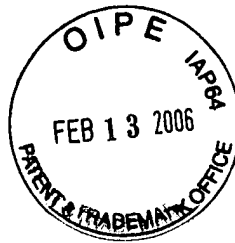
**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Cisco Documentation - Frame Relay ELMI Address Registration: Post on Dec. 6,2000, at <input type="checkbox"/> <a href="http://www.cisco.com/univercd/cc/td/doc/product/software/ios121/121newft/121t/121t3/tfripa.htm">http://www.cisco.com/univercd/cc/td/doc/product/software/ios121/121newft/121t/121t3/tfripa.htm</a>
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



**Amendment under 37 CFR 1.116 — Expedited Procedure —  
Examining Group 2142**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Madhu Rao et al.

Serial No. 09/921,936

Filed: August 2, 2001

For: NEIGHBOR DISCOVERY USING  
ADDRESS REGISTRATION  
PROTOCOL OVER ELMI

EXAMINER: LIN, KELVIN Y.

ART UNIT: 2142

Mail Stop AF  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE AFTER FINAL ACTION UNDER 37 C.F.R. §1.116**

Sir:

In response to the Final Office Action mailed June 10, 2005, applicants respectfully request the Examiner to consider the following remarks:

**Amendments to the Claims** are reflected in the listing of claims that begins on page 2 of this paper.

**Remarks/Arguments** begin on page 15 of this paper.

## IN THE CLAIMS

1. (Original) A system, comprising:  
  
a local area network management system to manage and configure a network of routers;  
  
a wide area network management system to manage and configure a network of switches; and  
  
address registration information to be appended to a message sent between a first router of the network of routers and a first switch of the network of switches over a connection between the first router and the first switch.
2. (Original) The system of claim 1, wherein the address registration information comprises an interface index.
3. (Original) The system of claim 2, wherein the interface index comprises a slot number from which the appended message was sent.
4. (Original) The system of claim 2, wherein the interface index comprises a port number from which the appended message was sent.
5. (Original) The system of claim 1, wherein the address registration information comprises an Internet Protocol address.

6. (Original) The system of claim 1, wherein the address registration information comprises spare bytes.
7. (Original) The system of claim 1, wherein the router sends the appended message.
8. (Original) The system of claim 1, wherein the switch sends the appended message.
9. (Original) The system of claim 1, wherein the appended message is an enhanced local management interface message.
10. (Original) The system of claim 1, wherein the appended message is sent when the network of switches and the network of routers are first configured.
11. (Original) The system of claim 1, wherein the appended message is sent when the network of switches or the network of routers has a change in configuration.
12. (Original) The system of claim 1, wherein the appended message is sent at a regular interval.
13. (Original) The system of claim 1, wherein the local area network management system uses the address registration information to map the network of switches.

14. (Original) The system of claim 13, wherein the local area network management system configures the network of switches.
15. (Original) The system of claim 1, wherein the wide area network management system uses the address registration information to map the network of routers.
16. (Original) The system of claim 15, wherein the wide area network management system configures the network of routers
17. (Original) A method, comprising:  
appending address registration information to a message; and  
sending the message between a router of a router network and a switch of a switch network.
18. (Original) The method of claim 17, further comprising using the address registration information to map the router network from a wide area network management system controlling the switch network.
19. (Original) The method of claim 18, further comprising configuring the router network using the wide area network management system.

20. (Original) The method of claim 17, further comprising using the address registration information to map the switch network from a local area network management system controlling the router network.
21. (Original) The method of claim 20, further comprising configuring the switch network using the local area network management system.
22. (Original) The method of claim 17, wherein the address registration information comprises an Internet Protocol address.
23. (Original) The method of claim 17, wherein the address registration information comprises an interface index.
24. (Original) The method of claim 23, wherein the interface index comprises a slot number from which the appended message was sent.
25. (Original) The method of claim 23, wherein the interface index comprises a port number from which the appended message was sent.
26. (Original) The method of claim 17, wherein the address registration information comprises spare bytes.



27. (Original) The method of claim 17, wherein the router sends the appended message.
28. (Original) The method of claim 17, wherein the switch sends the appended message.
29. (Original) The method of claim 17, wherein the appended message is an enhanced local management interface message.
30. (Original) The method of claim 17, wherein the appended message is sent when the network of switches and the network of routers are first configured.
31. (Original) The method of claim 17, wherein the appended message is sent when the network of switches or the network of routers has a change in configuration.
32. (Original) The method of claim 17, wherein the appended message is sent at a regular interval.
33. (Original) A machine-readable storage medium tangibly embodying a sequence of instructions executable by the machine to perform a method comprising:
- appending address registration information to a message; and
  - sending the message between a router of a router network and a switch of a switch network.

34. (Original) The machine-readable storage medium of claim 33, further comprising using the address registration information to map the router network from a wide area network management system controlling the switch network.
35. (Original) The machine-readable storage medium of claim 34, further comprising configuring the router network using the wide area network management system.
36. (Original) The machine-readable storage medium of claim 33, further comprising using the address registration information to map the switch network from a local area network management system controlling the router network.
37. (Original) The machine-readable storage medium of claim 36, further comprising configuring the switch network using the local area network management system.
38. (Original) The machine-readable storage medium of claim 33, wherein the address registration information comprises an Internet Protocol address.
39. (Original) The machine-readable storage medium of claim 33, wherein the address registration information comprises an interface index.
40. (Original) The machine-readable storage medium of claim 39, wherein the interface index comprises a slot number from which the appended message was sent.

41. (Original) The machine-readable storage medium of claim 39, wherein the interface index comprises a port number from which the appended message was sent.
42. (Original) The machine-readable storage medium of claim 33, wherein the address registration information comprises spare bytes.
43. (Original) The machine-readable storage medium of claim 33, wherein the router sends the appended message.
44. (Original) The machine-readable storage medium of claim 33, wherein the switch sends the appended message.
45. (Original) The machine-readable storage medium of claim 33, wherein the appended message is an enhanced local management interface message.
46. (Original) The machine-readable storage medium of claim 33, wherein the appended message is sent when the network of switches and the network of routers are first configured.
47. (Original) The machine-readable storage medium of claim 33, wherein the appended message is sent when the network of switches or the network of routers has a change in configuration.

48. (Original) The machine-readable storage medium of claim 33, wherein the appended message is sent at a regular interval.
49. (Original) A system, comprising:
- a means for appending address registration information to a message; and
  - a means for sending the message between a router of a router network and a switch of a switch network.
50. (Original) The system of claim 49, further comprising a means for using the address registration information to map the router network from a wide area network management system controlling the switch network.
51. (Original) The system of claim 50, further comprising a means for configuring the router network using the wide area network management system.
52. (Original) The system of claim 49, further comprising a means for using the address registration information to map the switch network from a local area network management system controlling the router network.
53. (Original) The system of claim 52, further comprising a means for configuring the switch network using the local area network management system.

54. (Original) The system of claim 49, wherein the address registration information comprises an Internet Protocol address.

55. (Original) The system of claim 49, wherein the address registration information comprises an interface index.

56. (Original) The system of claim 55, wherein the interface index comprises a slot number from which the appended message was sent.

57. (Original) The system of claim 55, wherein the interface index comprises a port number from which the appended message was sent.

58. (Original) The system of claim 49, wherein the address registration information comprises spare bytes.

59. (Original) The system of claim 49, wherein the router sends the appended message.

60. (Original) The system of claim 49, wherein the switch sends the appended message.

61. (Original) The system of claim 49, wherein the appended message is an enhanced local management interface message.

62. (Original) The system of claim 49, wherein the appended message is sent when the network of switches and the network of routers are first configured.

63. (Original) The system of claim 49, wherein the appended message is sent when the network of switches or the network of routers has a change in configuration.

64. (Original) The system of claim 49, wherein the appended message is sent at a regular interval.

65. (Original) A router, comprising:  
a routing unit to send a message to a first switch of a network of switches;  
a connection to connect the routing unit to the first switch; and  
an interface to append an address registration information to the message.

66. (Original) The router of claim 65, wherein the address registration information comprises an interface index.

67. (Original) The router of claim 66, wherein the interface index comprises a slot number from which the appended message was sent.

68. (Original) The router of claim 66, wherein the interface index comprises a port number from which the appended message was sent.

69. (Original) The router of claim 65, wherein the address registration information comprises an Internet Protocol address.

70. (Original) The router of claim 65, wherein the address registration information comprises spare bytes.

71. (Original) The router of claim 65, wherein the appended message is an enhancement local management interface message.

72. (Original) The router of claim 65, wherein the appended message is sent at a regular interval.

73. (Original) A switch, comprising:

a switching unit to send a message to a first router of a network of routers;

a connection to connect the switching unit to the first router; and

an interface to append an address registration information to the message.

74. (Original) The switch of claim 73, wherein the address registration information comprises an interface index.

75. (Original) The switch of claim 74, wherein the interface index comprises a slot number from which the appended message was sent.

76. (Original) The switch of claim 74, wherein the interface index comprises a port number from which the appended message was sent.

77. (Original) The switch of claim 73, wherein the address registration information comprises an Internet Protocol address.

78. (Original) The switch of claim 73, wherein the address registration information comprises spare bytes.

79. (Original) The switch of claim 73, wherein the appended message is an enhancement local management interface message.

80. (Original) The switch of claim 73, wherein the appended message is sent at a regular interval.

81. (Original) A method, comprising:

appending address registration information to a message;

sending the message between a router of a router network and a switch of a switch network;

using the address registration information to map the router network from a wide area network management system controlling the switch network;

configuring the router network using the wide area network management system;



using the address registration information to map the switch network form a local area network management system controlling the router network; and  
configuring the switch network using the local area network management system.

### REMARKS

Applicants respectfully request that the Examiner reconsider the application. As a first preliminary matter, the Office Action asserted:

Application's amendment necessitated the now ground(s) of rejection presented in this Office Action, Accordingly, **THIS ACTION IS FINAL.**

(Office Action, page 8)

It is submitted that Applicants did not make any amendments and, therefore, the finality of the Office Action is improper. **Accordingly, it is requested that the finality of the Office Action be removed.**

As another preliminary matter, in the Final Office Action mailed June 10, 2005, the Examiner did not attach an initialed copy of the PTO-1449 form references that were mailed to the PTO on February 22, 2005. The Examiner also did not indicate the references on said PTO-1449 form were not in conformance with MPEP 609. As such, applicant respectfully requests that the Examiner indicate that these references have been considered and made of record.

### Office Action Rejections Summary

Claims 1-81 have been rejected under 35 U.S.C. §102(a) as being anticipated by Cisco Document (Cisco Publication: Frame Relay ELMI Address Registration, Posted on December 6, 2000:

<http://www.cisco.com/univercd/cc/td/doc/product/software/ios121/121newft/121t/121t3/tfrpar.htm>) ("Cisco").

### Status of Claims

Claims 1-81 are pending in the application. No claims have been amended. No claims have been added. No new matter has been added. No claims have been canceled.

### Claim Rejections

Claims 1-81 have been rejected under 35 U.S.C. §102(a) as being anticipated by Cisco Document. Cisco Document qualifies as prior art under 35 U.S.C. §102(a) because Cisco Document's alleged effective date of December 6, 2000 is earlier than the applicants' filing date of August 2, 2001. Applicants are submitting herewith a Declaration under 37 C.F.R. §131 of the inventor Madhu Rao to establish prior invention of the claimed subject matter of the present application prior to December 6, 2000. The Declaration sets forth facts sufficient to show reduction to practice of the invention prior to the Cisco Document's alleged effective date of December 6, 2000. In particular, Exhibit 1, to the Declaration of the Inventor Madhu Rao, is a copy of screen images from debug sessions that capture the ELMI-AR protocol data in a running session which illustrates aspects of the invention embodied within a Cisco router product that implements the ELMI-AR protocol. As evidenced by the screen images, the Cisco router product supporting the ELMI-AR protocol was completed and operational prior to December 6, 2000. The dates in Exhibit 1 have been redacted as permitted by MPEP 715.07.II.

Therefore, Cisco Document is not available as prior art under 35 U.S.C. §102(a). Accordingly, it is requested that the rejection of claims 1-81 under 35 U.S.C. §102(a) as being anticipated by Cisco Document be withdrawn.

In conclusion, applicants respectfully submit that in view of the remarks set forth herein, the applicable rejections have been overcome.


If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 11/28, 2005

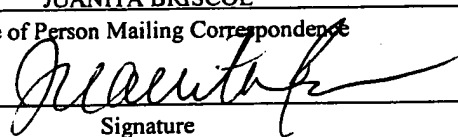
  
Daniel E. Ovanezian  
Registration No. 41,236

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8300

**FIRST CLASS CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

on 11/28/05  
Date of Deposit

JUANITA BRISCOE  
Name of Person Mailing Correspondence  
  
Signature

11/28/05  
Date



Atty. Docket No. 81862.P248

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Madhu Rao et al.

Application No.: 09/921,936

Filed: August 2, 2001

For: NEIGHBOR DISCOVERY USING  
ADDRESS REGISTRATION  
PROTOCOL OVER ELMI

Examiner: Lin, Kelvin Y.

Art Unit: 2142

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES TO  
OVERCOME CITED PUBLICATION (37 C.F.R. §1.131)**

Sir:

My name is Madhu Rao. I have been employed by Cisco Technology, Inc. of San Jose, California from May 25, 1999 through the present.

I am one of the inventors of the above-identified patent application that has been assigned to Cisco Technology, Inc. The declaration made herein is to establish a completion of the invention in the application in the United States at a date prior to December 6, 2000, which is the cited publication date of the paper entitled "Cisco Publication: Frame Relay ELMI Address Registration" by Cisco, posted on December 6, 2000 (the "Cisco Document").

I hereby declare that my invention was reduced to practice prior to December 6, 2000. Below stated are activities of myself and Cisco Technology, Inc. regarding the date on which the invention was reduced to practice.

My invention is embodied in a Cisco router product that implements the ELMI-AR protocol. Prior to December 6, 2000, I developed and tested a working version of the

product comprising my invention. Thus, my invention was reduced to practice prior to December 6, 2000.

Exhibit 1 attached herewith is a copy of screen images from debug sessions that capture the ELMi-AR protocol data in a running session that illustrates aspects of the invention embodied within the product. The dates in Exhibit 1 have been redacted. As evidenced by the screen image, the Cisco router product supporting the ELMi-AR protocol was completed and operational prior to December 6, 2000.

Based on the above description and as evidenced by the attached exhibit, the reduction to practice of the subject matter described in the present application was prior to the December 6, 2000 publication date of the Cisco Document.

As the below-signed invention, I, Madhu Rao, hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made knowing that willful false statements and the like are punishable by fine or imprisonment, or both under §1001 of Title 18 of United States Code, and such willful or false statements may jeopardize the validity of the application or any patent issuing therefrom.

Respectfully submitted

Date: 11-22-2005



Signature

Full legal name: Madhu Rao

Citizenship: USA

Address: 1360 Tanaka Dr  
San Jose, CA 95131

**FIRST CLASS CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

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Date of Deposit

JUANITA BRISCOE  
Name of Person Mailing Correspondence

  
Signature

11/28/05  
Date



bot TN Cisco IGX 8430 9.3.y4 [REDACTED]

FrontCard					BackCard				
Type	Rev	Type	Rev	Status	Type	Rev	Type	Rev	Status
1	NPM	BTN		Standby	9	Empty			
2	NPM	EMS		Active	10	Empty			
3	Empty	universal backplane			11	Empty			
4	UXM	BBE T3	AA	Active	12	Empty			
5	UFMU	AD09 HSSI	AA	Standby	13	Empty			
6	UFMU	BD09 HSSI	AA	Active	14	Empty			
7	FRM	KT07 FRI-E1	AB	Mismatch	15	Empty			
8	UFM	ARN E1D	AB	Active	16	Empty			

Last Command: dspcda

bot            TN    Cisco

IGX 8430 9.3.y4

Port Neighbor Discovery			IpAddress	IfIndex
Port	Enable	State		
5.1	Yes	ACTIVE	2.2.2.2	10
5.2	Yes	ACTIVE	0.0.0.0	0
5.3	No	INACTIVE	0.0.0.0	0
5.4	No	INACTIVE	0.0.0.0	0

Last Command: dspnebdisc



```

bot          TN      Cisco      IGX 8430  9.3.y4  ██████████

Port:        5.1          [ACTIVE ] Secondary
Interface:    HSSI      DCE      Configured Clock: 1024 Kbps
Clocking:     Normal      Measured Rx Clock: 1024 Kbps
Neighbor IP Add: 2.2.2.2
Port ID              0      Neighbor IfIndex: 10
Port Queue Depth    65535   Min Flags / Frames      1
ECN Queue Threshold 65535   OAM Pkt Threshold      3 pkts
DE Threshold        100 %   T391 Link Intg Timer    10 sec
Signalling Protocol Cisco LMI -8 N391 Full Status Poll    6 cyl
Asynchronous Status No     EFCI Mapping Enabled     No
T392 Polling Verif Timer 15   CLLM Enabled/Tx Timer   No/ 0 msec
N392 Error Threshold    3     IDE to DE Mapping       Yes
N393 Monitored Events Count 4   Interface Control Template
Communicate Priority    No      Lead CA
Upper/Lower RNR Thresh 75%/ 25% State ON
Neighbor Discovery      Enable

```

Last Command: dspport 5.1



elmi3600# show frame-realy qos-autosense

ELMI information for interface Hss11/0

IP Address used for Address Registration:2.2.2.2 My Ifindex:10 ELMI AR Status:Enabled  
Connected to switch:SWITCH Platform:IGX Vendor:CISCO

ELMI AR Status:Enabled

IP Address used by switch for address registration:192.0.0.0 Ifindex:5000000  
(Time elapsed since last update 00:14:09)

elmi3600# show frame-realy qos-autosense

ELMI information for interface Hss11/0

IP Address used for Address Registration:2.2.2.2 My Ifindex:10 ELMI AR Status:Enabled  
Connected to switch:SWITCH Platform:IGX Vendor:CISCO

ELMI AR Status:Enabled

IP Address used by switch for address registration:172.28.148.112 Ifindex:5000000  
(Time elapsed since last update 00:00:40)

elm13600#show frame-relay qos-autosense

ELMI information for interface Hss11/0

IP Address used for Address Registration:2.2.2.2 My Ifindex:10 ELMI AR Status:Enabled  
Connected to switch:SWITCH Platform:IGX Vendor:CISCO

ELMI AR Status:Disabled

IP Address used by switch for address registration:0.0.0.0 Ifindex:0  
(Time elapsed since last update 00:01:46)

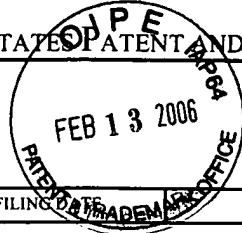
elmi3600# conf t

elmi3600(config)# interface serial or hssi 2/1

elmi3600(config-if) no frame-relay address-reg enable



UNITED STATES PATENT AND TRADEMARK OFFICE



21862-P248 Hh  
Cisco technology  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,936	08/02/2001	Madhu Rao	81862P248	8366

7590

12/20/2005

Stephen T. Neal  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025-1026

EXAMINER

LIN, KELVIN Y

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 12/20/2005

RECEIVED

DEC 23 2005

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
LOS ANGELES

Please find below and/or attached an Office communication concerning this application or proceeding.

Previously Docketed

appeal brief

CISCO

STATUS REPORT

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No. **OTPE**

09/921,936

Examiner

Kelvin Lin

Applicant(s)

RAO ET AL.

Art Unit

2142

--The MAILING DATE of this communication appears on the cover sheet of the correspondence address --

THE REPLY FILED 30 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: none.  
Claim(s) objected to: none.  
Claim(s) rejected: 1-81.  
Claim(s) withdrawn from consideration: none.

**AFFIDAVIT OR OTHER EVIDENCE** *The declaration was not reasonably presented* **AC**

8. ☒ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 0225 2005 **AC**

13. ☐ Other: \_\_\_\_\_

*Andrew Caldwell*  
**ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER**



Substitute for Form 1449/PTO				<b>Complete if Known</b>		
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)				Application Number: 09/921,936		
<div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; border-radius: 50%; padding: 10px; text-align: center;">             OIPE FEB 23 2006 PATE...           </div> <div style="border: 1px solid black; border-radius: 50%; padding: 10px; text-align: center;">             IAPRA FEB 13 2006 PATE...           </div> </div>				Filing Date: 8/2/01		
				First Named Inventor: Madhu Rao		
				Art Unit: 2142		
				Examiner Name: Lin, Kelvin Y.		
of				Attorney Docket Number: 81862.P248		
<b>U.S. PATENT DOCUMENTS</b>						
Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)				
<div style="font-size: 2em; margin-top: 20px;">11</div>		US-	6,775,373	8/10/04	Stoughton	
		US-	6,753,980	6/22/04	Sakakura et al.	
		US-	6,684,243	1/27/04	Euget et al.	
		US-	6,667,974	12/23/03	Shigeta	
		US-	6,665,713	12/16/03	Hada et al.	
		US-	6,661,785	12/9/03	Zhang et al.	
		US-	6,639,901	10/28/03	Katzri et al.	
		US-	6,567,851	5/20/03	Kobayashi	
		US-	6,560,217	5/6/03	Peirce, Jr. et al.	
		US-	6,457,044	9/24/02	IwaZaki	
		US-	6,418,219	7/9/02	Planelid et al.	
		US-	6,373,853	4/16/02	Yoshida	
		US-	6,230,009	5/8/01	Holmes et al.	
		US-	6,195,329	2/27/01	Kawashima	
		US-	5,978,376	11/2/99	Godse et al.	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				

Examiner Signature		Date Considered 12/12/05
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SENT FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Substitute for Form 1449/PTO



# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Complete if Known

Application Number	09/921,936
Filing Date	8/2/01
First Named Inventor:	Madhu Rao
Art Unit	2142
Examiner Name	Lin, Kelvin Y.
Attorney Docket Number	81862.P248

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)				
 		US-	5,862,083	1/19/99	Tobita et al.	
		US-	5,608,871	3/4/97	Murono	
		US-	5,325,357	6/28/94	Kimoto et al.	
		US-	5,315,705	5/24/94	Iwami et al.	
		US-	5,206,937	4/27/93	Goto	
		US-	5,140,585	8/18/92	Tomikawa	
		US-	4,780,815	10/25/88	Shiota	
		US-	20030219000	11/27/03	Magret	
		US-	20030165140	9/4/03	Tang	
		US-	20020080752	6/27/02	Johansson	
		US-	20020024945	2/28/02	Civanlar et al.	
		US-	20020023174	2/21/02	Garrett et al.	
		US-	20020023160	2/21/02	Garrett et al.	
		US-	20020018489	2/14/02	Ambe et al.	
		US-	20020018476	2/14/02	Roy	

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				

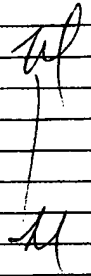
Examiner Signature		Date Considered	12/12/01
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)		Application Number	09/921,936
		Filing Date	8/2/01
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		Attorney Docket Number	81862.P248

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Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)				
		US-	20020016858	2/7/02	Sawada et al.	
		US-	20020013844	1/31/02	Garrett et al.	
		US-	20020012585	1/31/02	Kalkunte et al.	
		US-	20020012345	1/31/02	Kalkunte et al.	
		US-	20020010791	1/24/02	Kalkunte et al.	
		US-	20020009090	1/24/02	Kalkunte et al.	
		US-	20020009084	1/24/02	Kalkunte	
		US-				
		US-				
		US-				

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
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